

SITE PLAN APPLICATION  
PROJECT NARRATIVE

SHELTER DEVELOPMENT, LLC  
(Applicant)

Brightview of Rockville  
9200 Darnestown Road  
(Project)

CITY OF ROCKVILLE  
PLANNING COMMISSION

Date: October 29, 2010

Preapplication Meeting No. 2011-0035  
Special Exception No. 2010-00381

## Contents

1) Introduction .....	2
2) Request: .....	2
3) Project/Site Information: .....	3
4) Property Description: .....	4
5) Project Description .....	4
6) Discussions of Zoning Issues That Are Highlighted in the Application Checklist. ....	5
7) Analysis and Required Findings: .....	6
a) 25.07.01a.3.(a) The application will not adversely affect the health or safety of persons residing or working in the neighborhood of the proposed development. ....	6
b) 25.07.01a.3.(b) The application will not be detrimental to the public welfare or injurious to property or improvements in the neighborhood. ....	7
c) 25.07.01a.3.(c) Will not overburden existing and programmed public facilities as set forth in Article 20 of this Chapter and as provided in the adopted Adequate Public Facilities Standards Manual. ....	8
d) 25.07.01a.3.(d) The application will not adversely affect the natural resources or environment of the City or surrounding areas. ....	10
e) 25.07.01a.3.(e) and (f) The application: (1) is not in conflict with the Plan; and (2) does not constitute a violation of any provision of [Chapter 25] or other applicable law. ....	10
f) 25.07.01a.3.(g). The application is not incompatible with surrounding uses or properties. ....	12
8) Conclusion .....	12

### 1) Introduction

Again, the applicant would like to acknowledge the Rockville Planning Staff's efforts to consider the applicant's special exception application which the Board of Appeals approved on July 10, 2010. Much of the subjects that are addressed in the course of the Site Plan application have been addressed in the course of the special exception application. Accordingly, in preparing this project description and scope of work, the applicant borrowed heavily from Mr. Cas Chasten's thorough report concerning the special exception application.

### 2) Request:

In accordance with Article 7 of the City of Rockville Zoning Ordinance, the applicant (Shelter Development, LLC) seeks Site Plan approval to allow the development of a 90 unit Assisted Living Community on the 3.69 acre site located at 9200 Darnestown Road. Pursuant to Section 25.10.03, (Land Use Tables) the proposed use is classified as

“Housing for Senior Adults and Persons with Disabilities” and is subject to a Special Exception within the R-90 zoning district. On July 10, 2010, the Board of Appeals of Rockville granted Special Exception Application No. SPX2010-00381, with conditions. The Opinion was mailed on September 11, 2010.

3) Project/Site Information:

Location: 9200 Darnestown Road, Rockville, Maryland 20850  
 Applicant: Shelter Development LLC  
 Land Use  
 Designation: Detached Residential (Medium Density 2.5 to 4 Units Per Acre)  
 Zoning District: R-90, Single Unit Detached –Restricted Residential  
 Planning Area: Planning Area 14 (Rockshire and Fallsmead Neighborhoods)  
 Parcel Area: 3.69 acres (156,816 square feet)  
 Building Height: 2 story sections at the south and west ends: 22 feet in height, measured to the top of the flat roof  
 3 story sections not exceed three stories, 35 feet, to the mid-point of the gable roof, and no more than forty feet to the top of the gable roof  
 Parking: 43 Spaces

Surrounding Land Use and Zoning			
Location	Zoning	Planned Land Use	Existing Use
North	PD-FG	Comprehensive Planned Development	Fallsgrove Development
South	R-90	Detached Residential	Single Unit Detached Dwellings
East	R-200	Detached Residential	Proposed Kol Shalom Synagogue
West	R-90	Detached Residential	Single Unit Detached Dwellings

4) Property Description:

The 3.69-acre property consists of two parcels located on the south side of Darnestown Road between Dav Road to the east and Glenora Lane to the west. The total frontage along Darnestown Road is 360 feet. Darnestown Road is a four (4) lane undivided County road. The property is contiguous to a proposed "Place of Worship" (Kol Shalom Synagogue) to the east, and the Glenora Hills subdivision to the west and south. The single-family detached area of the Fallsgrove mixed-use development is located across Darnestown Road to the north. The site contains a stand of trees along the west and south property lines. There is a large American Elm tree being preserved located in the center of the site.

5) Project Description

The applicant is proposing to develop a 90-unit assisted living facility with up to 92 beds to be known as Brightview of Rockville. The proposed development will provide a full range of residential care services to seniors and persons with memory impairment disabilities.

Vehicular access will be provided through a single driveway access, which will allow for right in and right out. There will be a westbound left turn lane storage lane into the site from Darnestown Road. No left turn egress will be permitted from the site. The site driveway access will be located at the western end of the property.

The proposed assisted living facility will be located within a single building structure. The building will be two and three stories according to the special exception conditions of approval. The proposed building is "L" shaped with the main entrance oriented internally to the site.

The project proposes to meet both forest conservation and minimum tree cover on site and has received approval from the City Forester to pay a fee in lieu for a portion of the significant tree replacement requirement.

On-site parking facilities are located within the interior of the site, on the south and west sides of the proposed building. The passenger drop-off area and the main building entrance are internal to the site. There will be 43 parking spaces and one loading space. The site surface parking facilities as located are intended to minimize impacts on the neighboring properties by orienting parking spaces within the interior of the site.

The Board of Appeals granted a waiver from the school facilities test required by the City's Adequate Public Facilities Standards.

The project would meet or exceed the applicable development standards.

Description	Required	Provided	SPX Code Section
Minimum Lot size	2 acres	3.69 acres	25.15.02.j.b)3.i)
Minimum Street frontage	100	360	25.15.02.j.b)3.ii)
Minimum setbacks:			
Front yard (north)	50	50	25.15.02.j.b)3.iv)
Side yard = east	22	31	25.15.02.j.b)3.v)
side yard = west	22	110	25.15.02.j.b)3.v)
Rear yard = south	50	97	25.15.02.j.b)3.v)
Maximum Lot Coverage	25%	13%	25.15.02.j.b)3.vi)
Maximum Building Height	35	35	25.15.02.j.b)3.vii)

6) Discussions of Zoning Issues That Are Highlighted in the Application Checklist.

The Site Plan Application checklist highlights subjects with which the Applicant must comply. The relevant ones for the Site Plan Application are listed below along with the location of their discussion in this narrative.

Description	Zoning Provision	Discussion in the Narrative
Mixed Use Development Standards, etc.	25.13	Not applicable
Landscaping, Screening and Lighting Manual	N/A	Pages 7 and 7.
Adequate Public Facilities	25.20	Pages 6, 9 and 9
Parking	25.16	Pages 4, 6, 10, and 12
Signs	25.18	Page 7
Public Use Space	25.17	Not applicable.
Water and Sewer information for hydraulic review	N/A	Page 9

7) Analysis and Required Findings:

- a) 25.07.01a.3.(a) The application will not adversely affect the health or safety of persons residing or working in the neighborhood of the proposed development.

As found by the Board of Appeals, based on characteristics of similar typical facilities, senior housing on the subject property will not adversely affect the health or safety of persons residing or working in the neighborhood of the proposed development. For example, based on the nature of the use, there will be no noxious odors or gases emitted from the site use, nor will the proposed building impede sunlight or block the free-flow of air in and around the site. The property is located within the Rockshire and Fallsmead Neighborhoods and located in the R-90 (Single Unit Detached Dwelling, Restricted Residential) Zone. The 3.69 acre site is currently improved with a single family detached dwelling and contains an array of mature trees and other vegetative material, ranging in species and size. As noted, the property has 360 feet of frontage on Darnestown Road ( a four lane County roadway) and is currently served by dual access onto the street. The proposed assisted living facility will be bound on two sides by single-family detached dwellings except on its eastern side, which will be developed for religious institutional use. There are single-family detached dwellings located in Fallsgrove development located on the north side of Darnestown Road, across from the subject site. Given other uses located within the site area, the proposed site use is not expected to have substantive nor adverse effects on the health or safety of persons residing or working in the neighborhood.

Based on the Comprehensive Traffic Report (CTR) that was submitted with the special exception request, and the transportation scoping intake form submitted with the pre-application meeting application, both of which are included with the Site Plan Application, the proposed site use will not generate greater than thirty (30) peak hour vehicle trips. Therefore, the applicant is only required to do a formal on-site analysis. Transportation staff from DPW has reviewed the applicant's report and confirms that the report complies with the City's adopted Comprehensive Transportation Review methodology. Note, the (CTR) is referenced in the Adequate Public Facilities Ordinance (APFO) for transportation-related measures. The process outlined in the CTR ensures that each development application meets the minimum transportation standards set forth in the City's APFO.

The applicant has affirmed that the facility would be staffed as follows: administrative and security personnel, marketing, activities and transportation, nursing, housekeeping, dining, and maintenance staff. The approximate number of employees, full time and part time, per work shift would be as follows: a) 7:00 a.m.-3:00 p.m., 26 full time equivalent employees; b) 3:00 p.m.-11:00 p.m., 13 full time equivalent employees; and c) 11:00 p.m.-7:00 a.m., 7 full time equivalent employees. Thus, based

on expected staffing levels and the manner in which the applicant proposes to operate the facility, the proposed 43 on-site parking spaces should readily accommodate both staff and visitor parking needs.

As illustrated on the site's preliminary landscape and forest conservation plan, and the final forest conservation plan, which was submitted with the Site Plan Application, trees located in the southern and westernmost areas of the site will be preserved, while those removed elsewhere on site to accommodate the site development will be replaced in accordance with the City's Forest and Tree Preservation Ordinance.

The Applicant will be locating certain trees in the field in consultation from Rockville Staff and the nearby neighbors. The trees' final locations will be reflected on the final forest conservation plan to be approved contemporaneously with the sediment control plan and the storm water management plan.

Finally, Brightview's entrance sign was approved by the Board of Appeals pursuant to Section 25.18.12b. of the Zoning Ordinance. The illustration is found on Exhibit 83 of the Special Exception exhibits. The same illustration is found in the Site Plan application detailed site plan sheets.

- b) 25.07.01a.3.(b) The application will not be detrimental to the public welfare or injurious to property or improvements in the neighborhood.

Based on the zoning codes and the Master Plan, the use will be compatible with adjacent properties due to the characteristics of the use, i.e., no impact on schools, site generated traffic does not exceed 30 peak hour trips, building setbacks exceed minimum required, compliance with 35 foot height limit and other development standards of the R-90 Zone, and ample vegetative buffers provided to screen use from adjacent homes to the south and west.

The applicant notes that it reached a settlement agreement with ten of the eleven adjoining neighbors. The existence of such agreement underscores the project's compatibility with the neighbors.

The applicant has attempted to mitigate both the visual and physical impact the proposed site use might have on the immediate neighbors, i.e., locating the building along Darnestown Road and the eastern property line, away from the single family detached dwellings to the south and west. The applicant also proposes to retain significant numbers of onsite mature trees and other vegetative materials. The proposed building as sited, meets and exceeds the minimum building setbacks as required by the Zoning Ordinance. For example the building is setback approximately 31 feet from the east (side) yard lot line (22 feet required), 97 feet from the south (rear) lot line (50 feet required), 110 feet from the west (side) lot line (22 feet required), and 50 feet from the

north (front) lot line (50 feet required). Also, the substantial number of mature evergreen trees, with an approximate height of 60 feet, and other vegetative material being retained will serve as a screen and buffer between the site and neighboring homes to the south and west. The applicant will also be adding additional landscaping. The applicant's proposed landscape and preliminary forest conservation plans denote that there will be significant replacement and replanting of trees and other vegetative materials in the remainder of the site, to ensure the site development fully complies with applicable requirements of the Forest and Tree Preservation Ordinance.

The Preliminary Forest Conservation Plan for Brightview has been approved through the special exception application process. The 3.69-acre site is subject to all of the Forest and Tree Preservation Ordinance requirements including forest conservation, significant tree replacement and minimum tree cover. The project proposes to meet both forest conservation and minimum tree cover on site and has received approval from the City Forester to pay fee in lieu for a portion of the significant tree replacement requirement.

There is no forest on site; however, the property contains over 160 trees of which 55 are being removed for the development. The most noteworthy significant trees are the two mature American elm trees, 45" DBH and 52" DBH, in the center of the site behind the existing house. While preservation of the larger elm tree is not feasible due to the tree's proximity to the house, the smaller tree is being preserved and will be a focal point within a large landscaped area behind the building.

Because there is no forest on site, the project is required to meet the afforestation requirement of 15% or 0.55 acres (23,958 square feet.). This requirement will be met through the preservation of a double row of mature white pine trees along the western and southern property lines adjacent to the single family homes. The area between the white pines and the two property lines will be planted with 30 native shade, ornamental and evergreen trees. The establishment of a forest conservation easement over the white pine row and the supplemental tree planting will provide a permanent buffer between the site and the surrounding single-family homes. The easement area totals 0.77 acres or 33,547 square feet.

The Minimum Tree Cover requirement is the same as the site's afforestation requirement, which is 15% or 0.55 acres (23,958 square feet). The project proposes to exceed the requirement by over 32,000 square feet through the retention of the white pines as well as with the additional site landscaping provided.

- c) 25.07.01a.3.(c) Will not overburden existing and programmed public facilities as set forth in Article 20 of this Chapter and as provided in the adopted Adequate Public Facilities Standards Manual.



The APFO tests the capacity of public facilities based on current and projected data available at the time of the development application. Once a development project is approved, capacity of public facilities required by that project is reserved, provided the project remains on its service commitment, as determined at the time of project approval. In the subject case, the land use request will not overburden site area roadways and streets, public schools, or water and sewer services. Certain classes of land uses are deemed to have little or no impact on some or all public facilities. As noted earlier, the Board of Appeals waived full compliance with the APFO provisions as they relate to school capacity.

In the course of the special exception application process, the Department of Public Works ("DPW") determined that the applicant will be required to connect to and upgrade the water main in Jersey Lane and/or Glenora Lane. City water is available for the site through an existing 6" water main in Jersey Lane and a 12" water main located near Glenora Lane. Public sewer is available for the site in Jersey Lane.

DPW staff determined that the City's existing public water and sewer, once expanded and improved in accordance with conditions of approval, as listed in its sewer and authorization letter dated February 4, 2010, will be adequate to provide necessary water, sewer, and fire protection for this project. Based upon adopted City standards, and with the identified improvements, the proposed use will not overburden public facilities within the area.

The applicant's traffic impact statement was submitted in accordance with the City's Comprehensive Transportation Review (CTR) analysis for new development projects. The CTR is referenced in the APFO (Resolution 27-05) for transportation-related measures. The process outlined in the CTR ensures that each development application meets the minimum transportation standards set forth in the City's APFO. The CTR focuses on auto, transit, pedestrian, and bicycle levels of service, as well on Transportation Demand Management (TDM) programs. The purpose of the CTR process is to ensure that adequate transportation facilities exist during and after a development project.

As previously noted, the proposed use will not generate greater than thirty (30) peak hour vehicle trips and as such, will not substantively alter or change vehicular traffic flow movements in and around the site area. The use will have vehicular access onto Darnestown Road. Vehicular access to the site will be provided through a single driveway entrance, designed to allow for right-in, left-in, and right-out traffic flow movements. In accordance with the plans submitted, the applicant will install a sidewalk along the site frontage, and dedicate right-of-way along Darnestown Road to accommodate future frontage improvements as determined by Montgomery County's Department of Permitting Services. Any improvements within the Darnestown Road

right-of-way will require the applicant obtain appropriate permits from the County, in consultation with the City of Rockville.

- d) 25.07.01a.3.(d) The application will not adversely affect the natural resources or environment of the City or surrounding areas.

The project's building and other improvements are appropriately scaled, designed, and sited to be compatible with the natural and built environment. The project would be located on 3.69 acres. The west and south sides would be buffered by a double row of mature white pine trees and other landscaping. An existing, healthy, 45" Elm tree will be preserved in the circle. The building will be "L" shaped so that its wings are oriented away from the single family homes and so that the building siting preserves the white pines noted. There will be fencing and landscaping to shield auto headlights in the evening. The outdoor garden, the circular pathways, the sculpture garden in the circle will add to the natural environment. The cut off design of the parking lot lighting will illuminate the surface but not send excess light off site. The stormwater management concept plan has been designed under Maryland's environmental site design so that it will be in compliance with the latest Maryland requirements which in and of themselves are intended to contribute to the preservation of the environment. The stormwater management facilities and other areas of the site are designed to reduce runoff and to facilitate the infiltration of rainwater into the site. Such rules and regulations incorporate sustainable design. The project would have an attractive natural setting. The Project would be attractive and enhance the City's and the residential neighborhood's aesthetic and visual character. The building will be new and built to modern building standards. The site layout will accommodate environmentally sound planning for stormwater management and forestation and landscaping. The Project will enhance the community's quality of life in many ways, including being an attractive development. The uses of the adjacent properties are the religious institution next to the Project to the east, and the single family detached residences on all other sides. As discussed, the Project fronts on Darnestown Road. There are substantial setbacks from the single family detached residences along with ample vegetative buffers. The use is very passive. There will be no significant noise. The traffic is so slight that it is less than 30 peak hour trips, so that a traffic study is not even required. The number of frail people to live there and their assistants would not constitute a nuisance. Their physical activity will occur mainly indoors.

- e) 25.07.01a.3.(e) and (f) The application: (1) is not in conflict with the Plan; and (2) does not constitute a violation of any provision of [Chapter 25] or other applicable law.

The use does not violate or adversely affect the Plan or any known laws of the City of Rockville. The land use designation of the property as assigned by the Plan, is for

detached residential (medium density-2.5 to 4 dwelling units per acre) land usage, which is also consistent with the property's R 9-0 zoning classification. The land use designation is implemented by the recently adopted Zoning Ordinance that allows "Housing for Senior Adults and Persons with Disabilities" as a special exception land use.

Since the use is permitted as a special exception land use in the R-90 zone, it is inferred from the new Ordinance that such residential uses are appropriate and compatible with other uses in the zone, if it can be shown that the use will not have an adverse impact on neighboring properties. The special exception approval of Special Exception Application No. SPX2010-00381, with conditions, establishes that the Board of Appeals found that such use is appropriate and compatible.

The City of Rockville Comprehensive Master Plan has several Goals and Policies that support the development of elderly housing. The Housing Element (page 10-4) specifically references the Special Exception process for elderly housing in residentially zoned areas:

Housing for the elderly is allowed in all the residential zones through the granting of a special exception. It is permitted in the Town Center zones (with Use Permit approval). Nursing homes are permitted in some residential zones with a special exception but are not permitted in the Town Center zones, the Rockville Pike zones, or any office / industrial zone.

#### Chapter Ten - Housing

Policy #3 of Chapter Ten of the Master Plan encourages the development of housing for an "aging population":

Encourage the construction of housing alternatives for an aging population – may need economic incentives or flexible zoning options for development variances for this to occur.

#### Planning Area 14 – Rockshire and Fallsmead Neighborhoods

As indicated, the subject site is located within Planning Area 14 as presented in the Comprehensive Master Plan. The Master Plan does not address the subject property specifically, but references other institutional uses in the planning area. The planning area appears to be largely "built-out" with relatively few large developable sites. Therefore the importance of sensitive infill development is stressed. The Master Plan recognizes the possibility of the expansion of existing institutional uses within the planning area and recommends that, "adequate buffers between the institutional use and adjacent residential uses be maintained or strengthened as necessary".

The applicant's proposal as submitted provides substantial vegetative buffers between the homes located to the south and west of the subject site. Due to concerns raised

by neighboring homeowners to the south and west of the site, regarding the height and size of the proposed building, the applicant sited the building towards Darnestown Road and to the east, away from the homes as noted. It is important to note that the abutting property to the east of the site has been recently approved for the development of a religious institutional use, i.e., the Kol Shalom Synagogue.

Lastly, based on the plans as submitted, the proposal complies with applicable requirements of the Zoning Ordinance, *i.e.*, building setbacks, vehicular parking standards, building height limits, lot coverage, etc. The site development proposal also complies (or is conditioned to comply) with other site development codes including Stormwater Management and Forestry. Therefore, the project otherwise complies with the City's Zoning and other laws.

- f) 25.07.01a.3.(g). The application is not incompatible with surrounding uses or properties.

We refer you to the earlier discussions.

#### 8) Conclusion

For all of the above reasons, the applicant's project meets the Site Plan requirements under Section 25.07.01a.3. The applicant looks forward to the Rockville Planning Staff's comments, questions and instructions and to proceeding to the Commissions consideration and Site Plan approval.